

The Environmental Law Section of the State Bar of California  
The University of California Graduate School of Journalism  
The California Center for Environmental Law & Policy Presents:

# *First Amendment and The Environment Symposium*

*Earn 3 Hours MCLE Credit*



Thursday, March 8, 2007

Noon to 5:00 p.m.

University of California, Graduate School  
of Journalism Library at North Gate Hall  
(Corner of Hearst and Euclid on the Berkeley campus)



## *First Amendment and The Environment Symposium*

The Symposium is an interactive forum on the intersection of First Amendment issues with environmental law and policy. This second in what we hope will become an annual event will help equip lawyers, media professionals, the public and students in law and journalism with the practical, legal and ethical foundations to be more effective in addressing, covering and tackling environmental issues.

The Symposium is directed to lawyers, law students, journalists and journalism students and the public. Speakers and panelists are drawn from a distinguished group of professionals in law, public policy, government and media. \$30 for members of the Environmental Law Section of the State Bar of California, \$45 for non-member attorney and free to students and the public. Pre-registration *required*. Lunch will be served for pre-registrants. Students/Public attendees please RSVP your attendance to [tiscarec@calbar.ca.gov](mailto:tiscarec@calbar.ca.gov).

The State Bar of California Environmental Law Section is a State Bar of California approved MCLE Provider.



# Panels and Speakers

## 1. Opening: Covering the Biggest Issue

This panel will kick off the symposium with a presentation by Journalism Lecturer and author Sandy Tolan. Professor Tolan teamed up with the Energy & Resources Group at Cal to lead thirteen students on a year long project in 2005-2006 called *Early Signs: Report from a Warming Planet* that produced a dozen pieces for radio's "Living on Earth," and Salon.com. The team of students traveled around the globe to document "global warming impacts in such far-flung spots as Bangladesh, New Zealand, Manitoba, Kiribati, Ecuador and Tanzania." His presentation will be followed by a discussion from other journalists on the perils and opportunities in trying to cover the biggest environmental stories. Issues include the challenges of making the biggest stories manageable (and understandable) in 12 column inches on deadline; covering slowly unfolding stories that affect everyone but do not have frequent news hooks; dealing with uncertain and changing science and legal terrains; and, humanizing stories of global proportion.

### Panelists:

**Sandy Tolan**, Veteran lecturer at UC Berkeley Graduate School of Journalism and journalist; author most recently of "The Lemon Tree."

**Jane Kay**, Environment Writer, San Francisco Chronicle, also directed the School of Journalism Environmental Journalism Program and taught environmental reporting

**Stuart Leavenworth**, Associate Editor, Sacramento Bee

## 2. Public Records and FOIA

A panel of government professionals and advocates, taking a look at the nuts and bolts of how the Public Records and Freedom of Information law really work. Issues include what does our right of access really get us access to; what information do environmental agencies have and what is the best way to get access to it; what challenges to access are being created by recent changes in policy in the Bush administration; what opportunities does the electronic information age provide for access; and how do access laws work in real time.

### Panelists:

**Brian Gaffney**, Law Office of Brian Gaffney, counsel for RiverLaw in *Riverlaw v. State Water Quality Control Board* et al. and Environmental Protection and Information Center in the FOIA fee waiver case, *EPIC v. US Forest Service*

**Laurie Kermish**, and/or **Bethany Dreyfus**, United States Environmental Protection Agency, Region 9

**Bill Sessa**, former information officer for the State Air Resources Board

**Jody Sparks**, President Toxics Assessment Group

## 3. SLAPPs: Petition, Protest and Private Property

Three seemingly disparate issues under the First Amendment come together in one lively panel. This panel will look at the First Amendment not only for the Free Speech/Press Clauses, but also the Assembly and Petition Clauses. Issues include (a) recent rise in lawsuits against environmental activists who notify law enforcement and environmental agencies of possible violations by polluters; (b) what is the state of the law on access to private

property for activists, ranging from access to shopping malls for petitioning under the *Pruneyard* decision, to the law on trespass and how evidence of environmental violations can be gathered, to the law on tree sits, to the law on protests (and the media who cover them and may be asked to be witnesses); (c) recent developments in SLAPPs, with emphasis on SLAPPs against environmental activists and reporters and media.

**Panellists:**

**David Greene**, Executive Director, First Amendment Project, Lecturer on First Amendment Law at University of San Francisco School of Law and San Francisco State University Journalism Department

**Thomas R. Burke**, Davis, Wright, Tremaine and counsel for, among others, the Sierra Club, the Center for Biological Diversity and numerous media organizations, Lecturer, UC Berkeley Graduate School of Journalism

**4. Environment controversies: real and manufactured**

A panel on the perils and challenges of covering and advocating environmental issues with a close look at science, junk science and “manufactured doubt.” Recent articles and white papers have documented how regulated industries have sometimes deliberately created scientific doubt or controversy to prevent or delay regulatory action. Recent publications include “Doubt is Our Product” in *Scientific American*, the Union of Concerned Scientists white paper on Exxon-Mobil’s campaign to create, in the face of scientific certainty, public uncertainty about global warming (*Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco’s Tactics to “Manufacture Uncertainty” on Climate Change*).

**Panellists:**

**Mark Dowie**, former Editor of Mother Jones, Professor at the UC Berkeley Graduate School of Journalism in the Science and Environmental Reporting Program and professor of a course on “Science Reporting”

**Peter Gleick**, MacArthur Fellow, member of the National Academy of Sciences, President, Pacific Institute for Studies in Development, Environment, and Security, home of the Integrity of Science Initiative and its blog at <http://www.scienceblogs.com/integrityofscience/>

**Dennis Pfaff**, Staff Writer, San Francisco and Los Angeles Daily Journal

**Ed Weil**, Supervising Deputy Attorney General, California Department of Justice Environment Section

**Steering Committee:**

**James Wheaton**, Environmental Law Foundation, First Amendment Project, Chair

**Antonette Cordero**, Deputy Attorney General, California Department of Justice

**Richard Drury**, Adams, Broadwell, Joseph & Cardozo

**Rick Frank**, Executive Director, California Center for Environmental Law & Policy

**Robert Gunnison**, Director of School Affairs, UC Graduate School of Journalism

**Pondra Perkins**, Staff Attorney/Environmental Advocacy Fellow

**James Pierce**, Law Office of James Pierce



The Environmental Law Section of the State Bar of California

Thursday, March 8, 2007

# Registration Form

Note: One form per registrant. Photocopies may be used.

Bar # \_\_\_\_\_ Name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

## Registration Fees

☐ Section Members \$ 30      ☐ Non-Section Members Attorneys \$ 45

☐ Students/Public - Complimentary

AMOUNT ENCLOSED/TO BE CHARGED .....\$ \_\_\_\_\_

## Credit Card Information (VISA/MasterCard Only)

I/we authorize the State Bar of California to charge my/our program registration to my/our VISA/MasterCard account. (No other credit card will be accepted.)

Account Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

VISA or Mastercard only

Cardholder's Name: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

**DEADLINE:** In order to Pre-register, your form and check, payable to the *State Bar of California*, or credit card information, must be received five working days before the program.

**MAIL TO:** Program Registrations, State Bar of California, 180 Howard Street, San Francisco, CA 94105

**FAX TO:** Program Registrations at 415-538-2368. In order to fax your registration, credit card information is MANDATORY. (*Photocopies of checks will NOT be accepted*)

**EMAIL:** Student/Public only RSVP to [tiscarec@calbar.ca.gov](mailto:tiscarec@calbar.ca.gov).

**CANCELLATIONS/REFUND POLICY:** Cancellations and requests for refunds must be received in writing at least 5 working days before the program date.

**QUESTIONS:** For registration information call (415) 538-2508. Telephone registration will not be accepted. For program content and/or Section information call (415) 538-2582.

**ON-SITE:** On-Site registration will be on a space available basis. Call to confirm space availability.

**SPECIAL ASSISTANCE:** For special assistance, please call (415) 538-2582 or TDD for speech and hearing impaired (415) 538-2231.

**DIRECTIONS:** <http://journalism.berkeley.edu/etc/directions.html>